

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDAN WILKINS,

Defendant.

CASE NO. CR19-0063-JCC

REVISED ORDER

This matter comes before the Court on the parties' joint status report (Dkt. No. 40). The Court previously vacated the trial date in this case and set the matter for an October 6, 2020 status conference, holding that the date of the Court's order and the date of the status conference should be excluded under the Speedy Trial Act. (Dkt. Nos. 22, 27, 31, 34, 36, 37, 38, 39.)

Over the past six months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has rendered the Court unable to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. (*See generally id.*) While conditions have improved, the Court does not anticipate that the pandemic's impacts will sufficiently resolve in the near term to conduct Defendant's trial. Accordingly, the Court now FINDS the ends of

1 justice served by extending the trial to no earlier than January 2021 outweigh Defendant's and
2 the public's best interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this
3 finding are:

- 4 1. The COVID-19 pandemic has rendered the Court unable to obtain an adequate
5 spectrum of jurors to represent a fair cross section of the community, which would
6 likely make proceeding in the near term impossible or, at a minimum, would result in
7 a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 8 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
9 Court staff to be present in the courtroom. Therefore, proceeding in the near term
10 would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

11 Accordingly, the Court ORDERS:

- 12 1. The status conference scheduled for October 6, 2020 is VACATED.
- 13 2. The parties are ORDERED to file a joint status report on or before December 11,
14 2020. The report should include a proposed briefing schedule for pending motions
15 and a proposed trial date. If the parties are unable to agree on any part of the report,
16 they may answer in separate paragraphs; no separate reports are to be filed.
- 17 3. The period from June 17, 2020, when the Court last granted a continuance based on
18 the impact of COVID-19, through January 1, 2021, is an excludable time period
19 under 18 U.S.C. section 3161(h)(7)(A).

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21 DATED this 2nd day of October 2020.

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25 John C. Coughenour
26 UNITED STATES DISTRICT JUDGE